

Introduced by Senator Dutton

February 24, 2006

An act to amend Section 5673 of the Welfare and Institutions Code, relating to mental health.

LEGISLATIVE COUNSEL'S DIGEST

SB 1621, as introduced, Dutton. Napa and Riverside Counties community care and treatment pilot project.

Existing law authorizes a pilot program in Napa County and Riverside County to establish a 15-bed locked facility in each county, for the provision of community care and treatment for mentally disordered conservatees who are placed in a state hospital or another health facility because no community placements are available to meet the needs of these patients.

This bill would make a technical, nonsubstantive change.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5673 of the Welfare and Institutions
2 Code is amended to read:
3 5673. (a) A five-year pilot program is hereby authorized in
4 Napa County and Riverside County to establish a 15-bed locked
5 facility in each county, for the provision of community care and
6 treatment for mentally disordered persons who are placed in a
7 state hospital or another health facility because no community
8 placements are available to meet the needs of these patients. It is
9 the intent of the Legislature to carefully evaluate this specific
10 approach to determine its potential for replication in other limited

1 jurisdictions. Participation in this pilot program by the two
2 counties shall be on a voluntary basis. The pilot program shall be
3 implemented notwithstanding the following licensure
4 requirements enforced by the State Department of Social
5 Services:

6 (1) Subdivision (a) of Section 1502 of the Health and Safety
7 Code, which defines a community care facility as providing
8 nonmedical care.

9 (2) Subdivision (a) of Section 1505 of the Health and Safety
10 Code, which exempts any health facility, as defined by Section
11 1250 of the Health and Safety Code, from licensure under the
12 California Community Care Facilities Act (Chapter 3
13 (commencing with Section 1500) of Division 2 of the Health and
14 Safety Code).

15 (3) Section 1507 of the Health and Safety Code, which limits
16 the provision of medical services in community care facilities to
17 incidental medical services.

18 (4) Paragraph (5) of subdivision (a) of Section 80001 of Title
19 22 of the California Code of Regulations, which states that an
20 adult residential facility provides nonmedical care.

21 (5) Paragraph (7) of subdivision (a) of Section 80072 of Title
22 22 of the California Code of Regulations, which relates to a
23 client's right not to be locked in any room, building, or facility
24 premises. However, for purposes of this section, a client shall not
25 be locked in any room.

26 (b) Clients provided care within these pilot facilities shall be
27 conservatees as defined by Section 5350 who, prior to the
28 establishment of this program, either received care at a state
29 hospital or were placed in facilities for the mentally disordered.

30 (c) Standards for services provided shall be developed by each
31 county mental health director, in consultation with, and approved
32 by, the State Department of Mental Health and monitored
33 regularly by the department for compliance with these standards.
34 These services shall be on a 24-hour basis in a therapeutic,
35 homelike environment. The services shall cover the full range of
36 the social rehabilitation model concept, including, but not limited
37 to, the following:

38 (1) Counseling.

39 (2) Day treatment.

40 (3) Crisis intervention.

1 (4) Vocational training.

2 (5) Medication evaluation and management by a licensed
3 physician and other licensed professional and paraprofessional
4 staff who possess a valid license or certificate to perform this
5 function.

6 (d) Administration of medication and monitoring of
7 medication shall occur notwithstanding statutory and regulatory
8 licensure requirements for community care facilities to the
9 contrary. Standards for use of medications shall be developed
10 and monitored by the State Department of Mental Health.

11 (e) The facilities shall be licensed and monitored by the State
12 Department of Social Services and shall comply with all
13 licensing requirements except those specifically exempted by this
14 section. In addition, no less than 75 square feet of outdoor space
15 per client shall be made available for client use. The State
16 Department of Social Services shall conduct inspections of the
17 facilities pursuant to Section 1533 of the Health and Safety Code
18 and shall be given immediate access to the facilities.

19 (f) In staffing the pilot program, each county board of
20 supervisors shall give full consideration to each potential means
21 of implementation, including, but not limited to, the clinical,
22 programmatic, and economic benefits and advantages of each
23 alternative. The pilot program shall meet all of the staffing
24 criteria of subdivision (b) of Section 5670.5. The staff shall use
25 and document the actions of a multidisciplinary professional
26 consultation staff to meet the specific diagnostic and treatment
27 needs of clients. The staff shall include, but need not be limited
28 to, a licensed psychiatrist, a psychologist, a social worker, and a
29 psychiatric technician. The staff may also include a licensed
30 vocational nurse. One or more of the following licensed
31 professionals shall be present at the facility at all times:

32 (1) A psychiatrist or psychologist.

33 (2) A registered psychiatric nurse.

34 (3) A psychiatric technician.

35 (4) A licensed vocational nurse.

36 (g) Protocols and training shall be established for licensed
37 vocational nurses employed by these facilities.

38 (h) The State Department of Mental Health shall certify the
39 program content in each county and monitor the program's
40 functions on a regular basis and the State Department of Social

1 Services shall regularly evaluate the facilities in accord with its
2 statutory and regulatory licensure functions, pursuant to
3 subdivisions (d) and (e).

4 (i) The pilot program shall be deemed successful if it
5 demonstrates both of the following:

6 (1) That costs of the program are no greater than public
7 expenditures for providing alternative services to the clients
8 served by the program.

9 (2) That the benefit to the clients, as described in subdivision
10 (h), is improved by the program.

11 (j) Commencement of the pilot program in each county
12 pursuant to this section shall be contingent upon the county and
13 the department identifying funds for this purpose, as described in
14 a financial plan that is approved in advance by the Department of
15 Finance.